

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

**In Re: DuPont Teflon Consumer
Class Action Litigation** :
: MDL Docket No. _____

**MEMORANDUM IN SUPPORT OF CLASS ACTION PLAINTIFFS' MOTION FOR
COORDINATED OR CONSOLIDATED PROCEEDINGS**

I. INTRODUCTION

This motion involves a series of class actions filed in jurisdictions across the country which seek relief arising from Defendant E.I. DuPont DeNemours & Company's ("DuPont") wrongful conduct related to the manufacture, advertising and sale for over fifty years of its product commonly known as "Teflon." The plaintiffs contend that cooking products containing DuPont's Teflon can release potentially harmful and dangerous substances, including a chemical that may cause cancer in humans.

Substantially identical actions against DuPont are now pending in multiple federal courts nationwide. All of these pending actions raise common issues of fact regarding essentially

interchangeable claims under state consumer protection or other laws. Accordingly, plaintiffs in the action styled Natalie Belmont, Sharon Berenfeld, M.D., Monica Martucci, Nicole M. Suri, Mirna Hormechea, Janet Brill, Ph.D, Sylvia Moss, Lewis Estevez, Melissa Zacharias, Ignacio Martinez, Rick Romash, Briditte Romash, Lillian Chasm and Carmen Finol v. E.I. DuPont DeNemours & Company, No. 05-21921, U.S.D.C. S.D. Fla. (Gold, J.)("Movants") respectfully submit this memorandum in support of their Motion for Coordinated or Consolidated Pre-trial Proceedings in a Single District, pursuant to 28 U.S.C. § 1407 and Rule 10 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation. As detailed more fully below, transfer and consolidation or coordination of class certification, pretrial and discovery proceedings related to these numerous actions, and any other subsequently-filed related cases to the United States District Court for the Southern District of Florida is warranted. Movants submit that the Southern District of Florida would best serve the convenience of the parties and witnesses. Such transfer and consolidation would further facilitate the fair and efficient resolution of this complex litigation through centralized decision making, minimized duplication of effort by court and counsel, reduced cost and delay, consistency in decision-making, and fostering the collaboration of judge and counsel to develop and carry out a comprehensive plan for the conduct of pretrial and trial proceedings.

II. BACKGROUND

The Florida Action was commenced on July 15, 2005. Movants are presently aware of thirteen (13) other cases filed in federal courts nationwide asserting the rights of similar consumers who have purchased or used Teflon-coated cooking products. These additional cases are: Kathleen Margay and Dorie Talotta v. E.I. DuPont DeNemours & Company, No. 2:05-CV-4049, U.S.D.C. E.D. Pa. (Katz, J.); Lisa Howe, Melissa Ochiyo, Dianne Walton and Maria

Sprowl v. E.I. DuPont DeNemours & Company, No. CV05-5488, U.S.D.C. C.D. Ca. (Pregerson, J.); Jerry Syntych, Belinda Luquette, Theresa Scott, Ruth Garcia, Tracey R. Ferguson, John Burns, Monica Ceballos, Kimberly Cowart, Gary Swartz, Maria Quinteros, Ruby Black v. E.I. DuPont DeNemours & Company, No. H 05-2530, U.S.D.C. S.D. Tx. (Werlein, J.); Susan E. Schnur v. E.I. DuPont DeNemours & Company, No. 1: 05-CV-1818, U.S.D.C. N.D. Oh. (Polster, J.); Rosemarie Compitello, Jeannie Triolo, Robin Belodoff, Gary Frechter, Gracie Triolo, and Betty Muehlgay v. E.I. DuPont DeNemours & Company, No. 05-CV-6749, U.S.D.C. S.D.N.Y. (Casey, J.); Sheldon B Lyke, Dorothy M. Jones and Romuald C. Warkomski v. E.I. DuPont DeNemours & Company, No. 05CV-4168, U.S.D.C. N.D. Ill. (Aspen, J.); Constance A. Webb v. E.I. DuPont DeNemours & Company, No. 2:05-CV-72923, U.S.D.C. E.D. Mi. (Edmunds, J.); Susan R. Yoshioka v. E.I. DuPont DeNemours & Company, No. 05-CV-1440, U.S.D.C. Co. (Figa, J.); Judy Levin v. E.I. DuPont DeNemours & Company, No. 05-11618-WGY, U.S.D.C. Ma. (Young, J.); Heath Hutchison, Sima, Granat, Ashley Granat, Kim Kraus, Joseph Bales, Betty Baird, Mike Kessler, Connie Matthews, Tina Stoggsdill, Mary Fritz v. E.I. DuPont DeNemours & Company, No. 405-CV-01234-ERW, U.S.D.C. E.D. Mo. (Webber, J.); Jennifer Hardee v. E.I. DuPont DeNemours & Company, No. 05-CV-1522, S.D. Cal. (Storm, M.J.); and Janet R. Luett, Shellie Johnson, Michelle Bridgeman, Wendee Larson, Kari Elbert and Dixie Radke v. E.I. DuPont DeNemours & Company, No. 4:05-CV-00422, U.S.D.C. S.D. Ia. (Longstaff, J.).

The complaints (and amended complaints) in each of the above actions contain essentially the same allegations of violations of state consumer protection or other laws against DuPont all arising out of the identical set of facts. The plaintiffs in each action seek to represent comparable state-wide classes of direct purchasers and users of Teflon-coated cooking products.

III. ARGUMENT

Movants' motion is simple and straightforward. The fair and efficient resolution of this complex litigation requires that a court exercise early and effective supervision (and, where necessary, control), and that the judge and counsel collaborate to develop and carry out a comprehensive plan for the conduct of pretrial and trial proceedings. See Annotated Manual of Complex Litigation §§ 20, 33.26. To this end, and for the following reasons, the substantially identical actions against DuPont that are now pending in multiple federal courts nationwide should be consolidated and transferred to the Southern District of Florida.

A. Transfer of These Actions for Coordination and Consolidation Will Further the Goals of Section 1407.

MDL proceedings are intended to coordinate or consolidate pretrial activities to provide centralized management of such proceedings and to ensure their just and efficient conduct. U.S. ex rel. Pogue v. Diabetes Treatment Centers of America, Inc., 238 F. Supp. 2d 270 (D.D.C. 2002); In re Air Crash off Long Island, N.Y. on July 17, 1996, 965 F. Supp. 5 (S.D. N.Y. 1997). Section 1407(a) authorizes transfer of civil actions in different federal district courts involving common questions of fact to a single federal district court for coordinated or consolidated pretrial proceedings. The purpose of such transfers is to serve the convenience of the parties and witnesses and to promote just and efficient litigation. 28 U.S.C. § 1407. Section 1407(a) provides in relevant part:

When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings. Such transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.

More importantly, although the multidistrict litigation statute does not require complete identity or even a majority of common factual and legal issues as a prerequisite to centralization, such identity of factual issues exists in this case. This predominance of common factual issues is a controlling factor, even if there were distinguishing nuances in the different cases. In re Travel Agent Com'n. Antitrust Litigation, 290 F. Supp. 2d 1381 (J.P.M.L. 2003)

In this instance, all of the actions listed above involve numerous common questions of fact, including:

1. The process used by DuPont to develop, manufacture and test Teflon or cooking products coated with Teflon;
2. Whether DuPont conducted any studies, tests, or collected any data regarding the possible danger of Teflon, or the use of Teflon-coated cooking products and the substance of those studies, tests or data;
3. Whether DuPont knew, or should have known, of the likelihood of exposure to Perflourooctanoic acid ("PFOA") or other potentially harmful substances that can be emitted when using Teflon-coated cooking products as intended;
4. Whether DuPont knew, or should have known, of the potential toxicity and other harmful effects to animals and human beings of PFOA and other substances which can be emitted by Teflon-coated cooking products when they are used as intended;
5. Whether DuPont concealed or otherwise failed to disclose information that it had about the potentially harmful effects of using Teflon-coated cooking products;
6. Whether DuPont made representations through mass marketing and product-specific advertising that the use of Teflon or of Teflon-coated cooking products, was safe and suitable for their intended use;

7. Whether at the time of such mass marketing and product-specific advertising, DuPont had in its possession information demonstrating or tending to demonstrate that one or more of the substances that can be released during the ordinary use of Teflon-coated cooking products may present a risk of injury to human health;

8. Whether at the time of such mass marketing and product-specific advertising, DuPont knew or should have known that the ordinary use of Teflon-coated cooking products can cause the release of substances which cannot be said to pose no risk of injury to human health;

9. Whether DuPont prepared, commissioned or submitted any reports or applications to any city, state, federal or international governmental or regulatory agency or office, concerning Teflon, and the substance of those reports or applications;

10. Whether DuPont ever received any information from any source regarding the potential for Teflon, or Teflon-coated cooking products, to emit potentially toxic or otherwise harmful substances when used as intended.

11. Whether DuPont knew of and/or possessed any studies or tests conducted by third parties concerning the use of Teflon, or Teflon-coated cooking products, and the emission of possibly toxic or otherwise harmful substances when Teflon, or Teflon-coated cooking products are used as intended;

12. Whether DuPont's mass marketing and product-specific advertising affirmatively represented that Teflon or the use of Teflon-coated cooking products, was safe, healthful, or more healthful than use of non-Teflon coated cooking products; and

13. Whether at the time of its mass marketing and product-specific advertising, DuPont disclosed all qualifying information which was relevant to its affirmative representation

that Teflon or the use of Teflon-coated cooking products was safe, healthful, or more healthful than the use of non-Teflon coated cooking products.

Because of these many common questions of fact, consolidation would result in significant savings and efficiencies by avoiding repetitive discovery and motion practice, avoid potentially inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

As a general rule, common questions are presumed "when two or more complaints assert comparable allegations against identical defendants based on similar transactions and events." In re Air West, Inc. Securities Litig., 384 F. Supp. 609, 611 (J.P.M.L. 1974); see also In re Cuisinart Food Processor Antitrust Litig., 506 F. Supp. 651,654-55 (J.P.M.L. 1981). Each of the actions proposed for transfer and coordination or consolidation allege essentially the same violation of either state consumer protection laws or other applicable law by the same defendant during the same period of time, based on the same underlying facts. The cases are therefore appropriate for a Section 1407 transfer.

Discovery with respect to the various actions will involve the same oral testimony and documentary evidence relating to DuPont's design, development, manufacturing, testing, licensing, advertising and marketing of Teflon, and its concealment from the consuming public of the potentially harmful effects that Teflon-coated cooking products can have when they are heated. Accordingly, the coordination and consolidation of these actions would avoid duplicative, redundant and costly discovery proceedings, including repetitive motion practice and potentially conflicting discovery and other pretrial rulings. See In re Amino Acid Lysine Antitrust Litig., 910 F. Supp. 696, 698 (J.D. M.P.L. 1995); In re MultiOpiece Rim Prod. Liab. Litig., 464 F. Supp. 969, 974 (J.D. M.P.L. 1978).

Transfer for consolidation or coordination is also appropriate because these actions seek to represent the same or similar classes and could result in conflicted or inconsistent ruling on class certification issues. See In re Agent Orange Product Liability Litig., 597 F. Supp. 740, 751-52 (E.D.N.Y. 1984) (noting Section 1407 is designed to promote judicial economy and avoid conflicts and duplication in discovery, and invests the transferee court with authority to decide matters relating to class certification); In re Computervision Corporation Securities Litig., 814 F. Supp. 85, 86 (J.P.M.L. 1993) (holding transfer necessary to prevent inconsistent pretrial rulings, especially regarding class certification); In re Cement and Concrete Antitrust Litig., 437 F. Supp. 750, 752 (J.P.M.L. 1977) ("since duplicating or overlapping classes are sought in most of the actions, transfer to a single district is desirable in order to avoid the possibility of inconsistent class determinations"); In re Sugar Industry Antitrust Litig., 395 F. Supp. 1271, 1273 (J.P.M.L. 1975) (noting that "the Panel has consistently held that transfer of actions under Section 1407 is appropriate, if not necessary, where the possibility of inconsistent class determinations exist"); In re Roadway Express, Inc. Employment Practices Litig., 384 F. Supp. 612, 613 (J.P.M.L. 1974) (noting existence of and the need to eliminate possible inconsistent class determinations presents a highly persuasive reason for transfer under Section 1407); In re Republic National-Realty Equities Securities Litig., 382 F. Supp. 1403, 1406 (J.P.M.L. 1974) (same).

In light of the common factual allegations in the actions identified above, transfer to a single district court for coordinated or consolidated class certification, pretrial and discovery proceedings is warranted to promote the interest of judicial economy and efficiency.

B. The Appropriate Forum.

If the Panel finds that the transfer for purposes of consolidation or coordination is appropriate, it then must determine whether centralization under 28 U.S.C.A. § 1407 in a particular judicial district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In re Asbestos Products Liability Litigation (No. VI), 771 F. Supp. 415 (J.P.M.L. 1991) (establishing MDL for all federal asbestos claims). For the reasons stated below, the Southern District of Florida is the most convenient forum in which a Related Action is pending.

In determining the most appropriate forum for consolidation or coordination, the Panel should examine several non-exclusive factors in selecting the appropriate transferee forum under Section 1407. These relevant factors include: (1) the relative docket congestion and caseloads of the proposed transferor and transferee courts; (2) the location of parties, witnesses and documents; (3) the expertise of a particular court in the areas of law and procedure which govern the litigation; (4) the pendency of related actions in the proposed transferee district and the preference of the majority of the parties; and (5) the relative progress of the actions pending in the various districts and the proposed judge's familiarity with the litigation. See e.g., In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litig., 853 F. Supp. 454, 455 (J.P.M.L. 1993); In re Asbestos Products Liability Litig., 771 F. Supp. 415, 422-23 (J.P.M.L. 1991); In re Aircraft Accident at Barrow, Alaska, on October 13, 1978, 474 F. Supp. 996, 999-1000 (J.P.M.L. 1979); See In re Asbestos Products Liability Litig., 771 F. Supp. 415, 422-23 (J.P.M.L. 1991); In re Continental Corp. Securities Litig., 130 F.R.D. 475, 476 (J.P.M.L. 1990).

Applying these factors in this instance, Movants submit that the most appropriate transferee court is the Southern District of Florida.

First, although DuPont's headquarters are located in the State of Delaware, it also conducts business and has a presence in every state in the Union, including Florida. Of all the jurisdictions in which a Related Action is pending, the Southern District of Florida provides no worse, if not better, convenience to the multiple parties and third party witnesses.

Second, Movants have reviewed reports on the twelve dockets of the Districts in which a Related Action is pending. As of September 30, 2004, there were but eleven MDL matters pending in the Eleventh Circuit, of which only two are currently pending in the Southern District of Florida. Neither of these two proceedings is assigned to the district judge to whom the Florida Related Action has been assigned. Furthermore, from the Judicial Caseload Profile Reports collectively attached as Exhibit "A" to this Memorandum, of the twelve jurisdictions in which Related Actions are pending, the Southern District of Florida ranks fifth in the fewest number of civil filings (and the four districts with fewer civil filings each have fewer judges); second in the shortest median time from filing to disposition; and third in median time from filing to trial. Movants therefore submit that the docket of the Southern District of Florida can accommodate the requested transfer.

Third, the issues raised in the various complaints (and amended complaints) do not require any particular expertise, such as a complex patent or anti-trust matter might, and, thus, the Southern District of Florida is well able to supervise and coordinate the progress of this litigation. Further, the assigned Judge, the Honorable Alan Gold, has substantial experience managing class actions. In addition, Judge Gold has experience in multidistrict litigation. See, e.g., In Re America Online, Inc., No. 00-MD-1341, S.D. Fla., which concluded in 2003.

Fourth, no substantial individual fact issues exist as to each plaintiff. The crux of this action, and the other pending actions nationwide, centers on the wrongful conduct of DuPont in

failing to disclose to the consuming public the potential for serious public health, safety and welfare issues resulting from its manufacture, advertising and sale of Teflon.

Fifth, the Southern District of Florida is an accessible metropolitan court and located in a major city where thousands of claims may be involved. See In re Wireless Telephone 911 Calls Litigation, 259 F. Supp. 2d 1372 (J.P.M.L. 2003); In re Gator Corp. Software Trademark & Copyright Litigation, 259 F. Supp. 2d 1378 (J.P.M.L. 2003).

There are other factors which the Panel should consider. Amended complaints in the Related Actions were filed on or around September 15, 2005 and national class counsel (based in the Florida) and counsel for Dupont have agreed to seek permission for each court in which a Related Action is pending to extend any pre-trial deadlines pending this Panel's decision on the Motion. Therefore, no individual judge has significant experience with the actions, no litigation has substantially progressed and no one matter has progressed substantially beyond the others.

IV. CONCLUSION

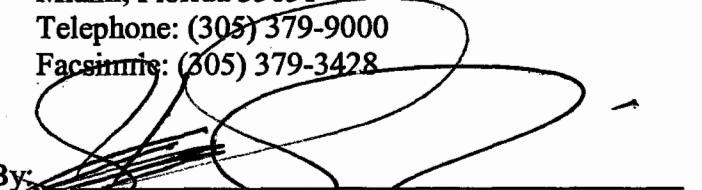
The interests underlying Section 1407 should compel this Panel to consolidate the class certification, pretrial and discovery proceedings and transfer the related actions against DuPont to the Southern District of Florida. For the foregoing reasons, Movants respectfully request that this Panel grant this motion in its entirety.

Dated: October 12, 2005

Respectfully submitted,

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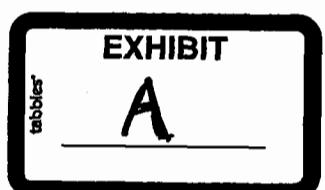
U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
CALIFORNIA CENTRAL		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	16,938	14,720	15,440	15,342	17,888	16,232	U.S.	Circuit
	Terminations	15,269	15,800	16,936	16,906	13,988	12,874		
	Pending	14,720	13,129	14,525	16,142	17,670	14,043		
	% Change in Total Filings	Over Last Year		15.1				12	2
		Over Earlier Years		9.7	10.4	-5.3	4.3	56	10
Number of Judgeships		28	28	27	27	27	27		
Vacant Judgeship Months**		2.3	23.6	63.9	57.3	46.5	62.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	605	526	572	568	663	601	16
		Civil	515	451	490	521	612	558	10
		Criminal Felony	60	49	58	47	51	43	58
		Supervised Release Hearings**	30	26	24	-	-	-	22
	Pending Cases		526	469	538	598	654	520	19
	Weighted Filings**		651	590	584	557	592	571	6
	Terminations		545	564	627	626	518	477	20
	Trials Completed		12	14	12	14	11	12	80
	From Filing to Disposition	Criminal Felony	8.2	9.4	8.6	9.1	8.8	8.1	49
		Civil**	7.3	7.5	7.9	7.1	7.5	7.1	14
		From Filing to Trial** (Civil Only)	17.8	21.2	20.0	21.0	18.0	20.0	15
OTHER	Civil Cases Over 3 Years Old**	Number	624	609	650	541	408	393	
		Percentage	5.0	5.4	5.2	3.8	2.6	3.1	61
	Average Number of Felony Defendants Filed Per Case		1.4	1.4	1.4	1.5	1.5	1.5	
	Jurors	Avg. Present for Jury Selection	49.01	49.49	54.63	61.75	57.63	55.38	
		Percent Not Selected or Challenged	49.4	51.6	55.5	58.8	49.8	31.9	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	14415	1415	207	2716	251	66	795	1337	2487	1287	2066	38	1750
Criminal*	1662	688	16	135	2	109	143	**	56	303	13	44	153

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."



U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30								
COLORADO		2004	2003	2002	2001	2000	1999	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*	3,520	3,418	3,233	3,092	3,099	3,107	U.S.	Circuit	
	Terminations	3,545	3,201	3,294	3,081	2,970	3,237			
	Pending	2,910	2,966	2,950	3,041	3,067	2,959			
	% Change in Total Filings	Over Last Year		3.0				36	4	
		Over Earlier Years		8.9	13.8	13.6	13.3	39	4	
Number of Judgeships		7	7	7	7	7	7			
Vacant Judgeship Months**		.0	3.0	10.1	17.0	12.0	12.0			
ACTIONS PER JUDGESHIP	FILINGS	Total	504	488	461	442	443	444	32	3
		Civil	407	383	372	381	371	388	33	2
		Criminal Felony	75	87	79	61	72	56	42	5
		Supervised Release Hearings**	22	18	10	-	-	-	36	3
	Pending Cases		416	424	421	434	438	423	42	2
	Weighted Filings**		579	557	550	538	565	570	19	1
	Terminations		506	457	471	440	424	462	34	3
	Trials Completed		26	23	27	35	30	24	19	3
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	8.5	7.4	9.4	7.9	6.8	6.8	57	8
		Civil**	8.7	9.3	9.9	10.0	9.2	9.3	30	3
	From Filing to Trial** (Civil Only)		26.4	26.0	28.0	33.4	29.8	22.5	60	7
OTHER	Civil Cases Over 3 Years Old**	Number	151	160	181	174	229	152		
		Percentage	6.2	6.3	7.4	6.6	8.6	5.7	72	6
	Average Number of Felony Defendants Filed Per Case		1.5	1.4	1.4	1.6	1.5	1.7		
	Jurors	Avg. Present for Jury Selection	36.91	38.89	31.14	35.53	33.97	33.26		
		Percent Not Selected or Challenged	37.8	45.6	35.8	41.9	41.6	40.0		

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	2847	141	5	739	55	24	123	338	356	148	531	2	385
Criminal*	517	105	10	148	3	8	96	**	15	53	19	14	46

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See ["Explanation of Selected Terms."](#)

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30								
FLORIDA SOUTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*	8,479	9,058	9,490	10,790	9,875	8,424	U.S.	Circuit	
	Terminations	8,904	9,370	9,797	10,170	8,635	8,671			
	Pending	7,302	7,788	8,203	9,099	8,426	7,177			
	% Change in Total Filings	Over Last Year			-6.4			78	7	
		Over Earlier Years			-10.7	-21.4	-14.1	7	4	
Number of Judgeships		18	18	17	17	16	16			
Vacant Judgeship Months**		7.5	12.8	29.5	21.5	10.1	13.5			
ACTIONS PER JUDGESHIP	FILINGS	Total	470	503	559	635	617	527	47	
		Civil	373	396	441	527	512	434	42	
		Criminal Felony	79	90	103	108	105	93	36	
		Supervised Release Hearings**	18	17	15	-	-	-	46	
	Pending Cases		406	433	483	535	527	449	47	
	Weighted Filings**		513	558	606	667	666	571	39	
	Terminations		495	521	576	598	540	542	38	
	Trials Completed		20	21	23	23	31	34	41	
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.1	6.2	6.5	6.3	7.2	7.1	15	
		Civil**	6.3	6.3	7.7	7.3	8.7	10.4	5	
	From Filing to Trial** (Civil Only)		18.0	18.3	15.0	19.3	19.8	19.8	16	
OTHER	Civil Cases Over 3 Years Old**	Number	1,047	714	223	278	227	188		
		Percentage	16.7	10.6	3.2	3.8	3.3	3.3	89	
	Average Number of Felony Defendants Filed Per Case		1.7	1.6	1.5	1.5	1.6	1.7		
	Jurors	Avg. Present for Jury Selection	42.54	44.00	42.51	45.57	43.59	43.10		
		Percent Not Selected or Challenged	19.2	23.8	22.8	28.8	26.5	30.4		

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	6720	112	368	1230	104	70	1251	837	679	244	956	8	861
Criminal*	1413	234	18	105	10	36	505	**	21	281	9	16	178

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See [Explanation of Selected Terms](#).

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30								
ILLINOIS NORTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing		
OVERALL CASELOAD STATISTICS	Filings*	10,584	11,126	11,135	10,957	9,496	10,053	U.S.	Circuit	
	Terminations	11,461	10,888	10,709	10,319	9,784	9,918			
	Pending	7,706	8,699	8,587	8,271	7,713	8,196			
	% Change in Total Filings	Over Last Year		-4.9				70	7	
		Over Earlier Years			-5.0	-3.4	11.5	5.3	54	
Number of Judgeships		22	22	22	22	22	22			
Vacant Judgeship Months**		9.6	22.1	17.8	3.3	19.2	33.2			
ACTIONS PER JUDGESHIP	FILINGS	Total	481	505	506	498	432	457	42	4
		Civil	437	461	459	470	402	431	19	3
		Criminal Felony	32	38	39	28	30	26	88	7
		Supervised Release Hearings**	12	6	8	-	-	-	72	6
	Pending Cases		350	395	390	376	351	373	63	4
	Weighted Filings**		512	526	525	503	482	483	41	4
	Terminations		521	495	487	469	445	451	30	3
	Trials Completed		12	12	14	15	13	15	80	6
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	10.3	9.9	10.3	9.9	11.0	10.8	78	6
		Civil**	5.9	5.5	5.5	5.6	5.1	6.0	4	2
	From Filing to Trial** (Civil Only)		28.4	26.0	26.0	26.3	27.5	28.5	70	7
OTHER	Civil Cases Over 3 Years Old**	Number	337	442	461	485	504	527		
		Percentage	5.0	5.6	6.0	6.4	7.2	6.9	61	6
	Average Number of Felony Defendants Filed Per Case		1.9	1.7	1.7	1.6	1.7	1.7		
	Jurors	Avg. Present for Jury Selection	39.36	45.57	43.63	39.43	38.55	39.23		
		Percent Not Selected or Challenged	31.0	37.3	34.8	36.7	29.5	34.5		

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	9615	126	166	768	76	1717	1573	859	584	418	1688	32	1608
Criminal*	694	71	20	87	1	30	160	**	13	183	6	41	82

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
MICHIGAN EASTERN			2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	5,679	5,843	5,706	5,432	6,294	7,160	U.S.	Circuit	
	Terminations	5,534	5,400	5,585	5,416	6,771	6,756			
	Pending	20,097	19,876	19,441	19,342	19,373	19,795			
	% Change in Total Filings	Over Last Year		-2.8				64		6
		Over Earlier Years		-.5	4.5	-9.8	-20.7	88		9
Number of Judgeships			15	15	15	15	15	15		
Vacant Judgeship Months**			27.5	24.0	24.0	20.0	18.1	9.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	379	389	380	362	420	477	69	8
		Civil	325	329	327	329	387	438	52	7
		Criminal Felony	40	45	40	33	33	39	83	9
		Supervised Release Hearings**	14	15	13	-	-	-	59	8
	Pending Cases		1,340	1,325	1,296	1,289	1,292	1,320	3	1
	Weighted Filings**		406	426	404	387	396	380	67	8
	Terminations		369	360	372	361	451	450	69	9
	Trials Completed		12	11	13	13	11	15	80	7
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	11.4	9.8	11.0	11.4	10.1	13.0	84	8
		Civil**	9.7	9.7	9.4	9.4	9.7	9.5	49	2
	From Filing to Trial** (Civil Only)		22.0	23.8	21.0	21.7	20.5	22.2	41	6
OTHER	Civil Cases Over 3 Years Old**	Number	14,923	14,876	14,857	14,763	10,456	67		
		Percentage	77.5	77.8	79.1	78.7	55.7	.4	93	9
	Average Number of Felony Defendants Filed Per Case		1.6	1.5	1.6	1.8	1.9	1.6		
	Jurors	Avg. Present for Jury Selection	56.08	61.29	44.52	38.79	39.34	48.01		
		Percent Not Selected or Challenged	44.4	52.4	44.0	38.0	42.1	44.2		

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	4871	240	235	918	78	62	643	561	463	178	817	9	667
Criminal*	585	49	20	135	1	32	169	**	5	104	1	17	52

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See [Explanation of Selected Terms](#).

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
MASSACHUSETTS		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	3,819	3,720	3,765	3,276	3,651	3,770	U.S.	Circuit
	Terminations	3,683	3,513	3,565	3,470	3,501	3,842		
	Pending	4,496	4,416	4,300	4,126	4,275	4,117		
	% Change in Total Filings	Over Last Year		2.7				38	2
		Over Earlier Years			1.4	16.6	4.6	1.3	64
	Number of Judgeships	13	13	13	13	13	13		
Vacant Judgeship Months**		8.0	7.0	.0	.0	.0	.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	294	285	289	252	281	290	83
		Civil	255	246	243	222	249	258	74
		Criminal Felony	27	31	38	30	32	32	93
		Supervised Release Hearings**	12	8	8	-	-	-	72
	Pending Cases		346	340	331	317	329	317	65
	Weighted Filings**		349	344	354	322	364	347	74
	Terminations		283	270	274	267	269	296	85
	Trials Completed		17	15	15	12	13	14	58
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	14.9	14.3	13.4	13.2	12.6	12.4	94
		Civil**	9.4	10.7	11.5	10.2	10.2	10.9	42
	From Filing to Trial** (Civil Only)		31.7	28.5	25.5	23.8	26.4	23.0	75
OTHER	Civil Cases Over 3 Years Old**	Number	215	198	229	275	260	160	
		Percentage	5.7	5.4	6.3	7.7	7.0	4.4	68
	Average Number of Felony Defendants Filed Per Case		1.5	1.4	1.6	1.6	1.5	1.7	
	Jurors	Avg. Present for Jury Selection	47.60	49.14	46.26	51.51	44.40	41.94	
		Percent Not Selected or Challenged	27.5	33.4	23.2	26.2	14.8	15.2	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	3312	97	24	424	43	34	269	503	581	223	492	10	612
Criminal*	351	29	8	46	-	22	96	**	4	91	-	14	41

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
MISSOURI EASTERN		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	3,070	3,010	3,079	2,949	2,993	2,871	U.S.	Circuit
	Terminations	3,004	3,077	3,149	2,832	3,068	3,129		
	Pending	2,496	2,411	2,505	2,583	2,461	2,542		
	% Change in Total Filings	Over Last Year		2.0				45	6
		Over Earlier Years		-.3	4.1	2.6	6.9	51	9
Number of Judgeships		8	8	8	8	8	8		
Vacant Judgeship Months**		.0	.0	11.5	12.0	12.0	12.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	384	376	385	369	374	359	66
		Civil	268	271	290	301	303	298	73
		Criminal Felony	94	89	81	68	71	61	28
		Supervised Release Hearings**	22	16	14	-	-	-	36
	Pending Cases		312	301	313	323	308	318	77
	Weighted Filings**		439	432	428	397	403	393	57
	Terminations		376	385	394	354	384	391	65
	Trials Completed		16	17	16	18	19	19	63
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.3	6.3	5.8	5.8	5.5	5.7	16
		Civil**	10.7	9.8	10.3	10.0	10.2	10.5	66
	From Filing to Trial** (Civil Only)		20.4	19.0	23.4	18.2	18.5	17.7	29
OTHER	Civil Cases Over 3 Years Old**	Number	28	19	43	37	39	26	
		Percentage	1.4	1.0	2.0	1.6	1.8	1.1	15
	Average Number of Felony Defendants Filed Per Case		1.5	1.3	1.3	1.3	1.3	1.4	
	Jurors	Avg. Present for Jury Selection	35.47	36.14	28.41	26.23	29.56	29.13	
		Percent Not Selected or Challenged	29.8	26.2	19.1	24.6	20.6	26.5	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	2143	143	6	499	28	16	232	247	304	109	417	1	141
Criminal*	747	32	3	227	8	11	288	**	17	103	1	16	41

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
NEW YORK SOUTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	12,422	12,321	13,937	12,783	11,564	15,106	U.S.	Circuit
	Terminations	11,471	10,780	12,618	11,247	14,638	11,350		
	Pending	17,638	17,275	16,198	15,818	14,275	17,626		
	% Change in Total Filings	Over Last Year		.8				52	3
		Over Earlier Years		-10.9	-2.8	7.4	-17.8	87	5
Number of Judgeships		28	28	28	28	28	28		
Vacant Judgeship Months**		8.8	33.3	15.8	.0	22.1	38.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	444	441	498	457	413	540	54
		Civil	388	381	441	420	371	492	37
		Criminal Felony	44	47	48	37	42	48	80
		Supervised Release Hearings**	12	13	9	-	-	-	72
	Pending Cases		630	617	579	565	510	630	11
	Weighted Filings**		527	513	539	560	521	489	35
	Terminations		410	385	451	402	523	405	57
	Trials Completed		16	17	15	15	18	21	63
	From Filing to Disposition	Criminal Felony	11.9	11.8	13.3	12.3	13.5	12.0	88
		Civil**	8.1	8.4	8.3	7.2	5.2	9.0	23
		From Filing to Trial** (Civil Only)	26.8	22.6	23.0	24.4	22.0	24.8	62
OTHER	Civil Cases Over 3 Years Old**	Number	1,656	1,312	1,230	1,585	1,098	990	
		Percentage	11.6	9.2	9.2	12.1	9.5	6.6	83
	Average Number of Felony Defendants Filed Per Case		1.7	1.5	1.5	1.6	1.7	1.5	
	Jurors	Avg. Present for Jury Selection	88.01	82.96	83.28	73.12	60.55	52.58	
		Percent Not Selected or Challenged	53.1	54.8	61.9	53.2	54.0	47.4	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	10859	220	23	1251	68	44	919	1744	2340	808	1643	109	1690
Criminal*	1204	135	14	172	15	66	348	**	18	330	4	9	93

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
OHIO NORTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	10,442	4,531	14,889	5,962	8,347	7,310	U.S.	Circuit
	Terminations	7,151	14,721	4,585	4,441	6,178	6,408		
	Pending	7,323	5,361	17,929	7,618	6,100	4,546		
	% Change in Total Filings	Over Last Year		130.5				2	1
		Over Earlier Years			-29.9	75.1	25.1	42.8	10
Number of Judgeships		12	12	12	12	12	12		
Vacant Judgeship Months**		.0	4.6	12.0	12.0	12.0	7.1		
ACTIONS PER JUDGESHIP	FILINGS	Total	870	378	1,241	497	696	609	3
		Civil	797	312	1,173	447	654	569	3
		Criminal Felony	53	42	48	50	42	40	69
		Supervised Release Hearings**	20	24	20	-	-	-	43
	Pending Cases		610	447	1,494	635	508	379	12
	Weighted Filings**		452	421	535	442	463	428	55
	Terminations		596	1,227	382	370	515	534	14
	Trials Completed		10	10	9	10	11	15	90
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	6.4	6.6	6.7	6.1	5.8	6.1	20
		Civil**	8.6	13.7	7.6	8.3	4.2	5.4	28
	From Filing to Trial** (Civil Only)		20.7	22.0	23.0	19.7	22.0	19.8	33
OTHER	Civil Cases Over 3 Years Old**	Number	76	61	96	75	63	94	
		Percentage	1.1	1.2	.5	1.0	1.1	2.2	10
	Average Number of Felony Defendants Filed Per Case		1.6	1.8	1.9	1.7	1.8	1.5	
	Jurors	Avg. Present for Jury Selection	36.63	34.75	35.59	31.00	27.19	34.46	
		Percent Not Selected or Challenged	32.5	24.3	30.1	23.9	19.4	25.7	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	9558	222	13	495	50	52	406	449	6461	89	551	12	758
Criminal*	630	35	44	138	3	15	114	**	28	115	3	56	79

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
PENNSYLVANIA EASTERN		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	16,198	12,173	13,447	8,109	9,255	8,484	U.S.	Circuit
	Terminations	12,754	12,862	14,034	9,087	7,754	8,764		
	Pending	9,930	6,422	7,143	7,693	8,661	7,134		
	% Change in Total Filings	Over Last Year		33.1				4	1
		Over Earlier Years		20.5	99.8	75.0	90.9	3	1
Number of Judgeships		22	22	22	22	22	22		
Vacant Judgeship Months**		34.6	6.6	40.7	38.5	71.6	59.2		
ACTIONS PER JUDGESHIP	FILINGS	Total	737	553	610	369	421	386	6
		Civil	694	512	575	339	389	354	4
		Criminal Felony	32	31	30	30	32	32	5
		Supervised Release Hearings**	11	10	5	-	-	79	1
	Pending Cases		451	292	325	350	394	324	32
	Weighted Filings**		495	408	461	386	385	387	48
	Terminations		580	585	638	413	352	398	16
	Trials Completed		12	11	11	14	14	14	80
	From Filing to Disposition	Criminal Felony	11.6	10.6	10.6	9.6	8.5	8.6	86
		Civil**	1.0	2.7	2.2	8.0	7.8	8.1	1
MEDIAN TIMES (months)	From Filing to Trial** (Civil Only)		16.0	19.0	17.3	15.2	15.3	14.3	8
	OTHER	Civil Cases Over 3 Years Old**	Number	292	332	623	521	138	66
			Percentage	3.3	6.0	10.0	7.7	1.8	1.0
		Average Number of Felony Defendants Filed Per Case		1.4	1.5	1.6	1.6	1.6	1.7
		Jurors	Avg. Present for Jury Selection	74.08	73.11	75.23	67.20	60.24	54.74
			Percent Not Selected or Challenged	43.9	44.3	50.3	44.1	41.4	39.8

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	15263	477	9	1250	47	61	441	955	9363	441	1344	45	830
Criminal*	696	55	21	197	2	14	153	**	12	136	5	38	63

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
SOUTH CAROLINA		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	24,510	5,210	5,211	5,570	4,840	5,022	U.S.	Circuit
	Terminations	5,377	4,981	4,685	4,753	5,027	4,659		
	Pending	24,228	5,167	4,988	4,547	3,710	3,927		
	% Change in Total Filings	Over Last Year		370.4				1	1
		Over Earlier Years		370.4	340.0	406.4	388.1	1	1
Number of Judgeships		10	10	10	10	9	9		
Vacant Judgeship Months**		8.8	9.4	2.1	9.5	.0	1.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	2,452	521	522	557	538	558	1
		Civil	2,360	428	433	492	466	484	1
		Criminal Felony	78	83	84	65	72	74	38
		Supervised Release Hearings**	14	10	5	-	-	59	8
	Pending Cases		2,423	517	499	455	412	436	2
	Weighted Filings**		2,454	505	521	914	542	517	1
	Terminations		538	498	469	475	559	518	24
	Trials Completed		20	20	20	33	30	32	41
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	8.7	8.5	8.6	7.5	7.9	7.0	61
		Civil**	9.4	8.2	7.5	7.6	8.5	8.7	42
	From Filing to Trial** (Civil Only)		20.0	22.5	16.5	16.4	15.8	15.0	21
OTHER	Civil Cases Over 3 Years Old**	Number	918	68	45	38	42	34	
		Percentage	3.9	1.6	1.1	1.0	1.3	1.0	48
	Average Number of Felony Defendants Filed Per Case		1.6	1.7	1.8	1.9	1.7	1.6	
	Jurors	Avg. Present for Jury Selection	30.59	37.98	31.15	22.30	22.46	17.36	
		Percent Not Selected or Challenged	13.2	25.7	17.4	14.1	13.4	10.5	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	23599	253	10	1266	51	362	398	565	586	74	713	4	19317
Criminal*	769	22	15	186	9	24	154	**	40	211	4	37	67

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See "Explanation of Selected Terms."

U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

		12-MONTH PERIOD ENDING SEPTEMBER 30							
TEXAS SOUTHERN		2004	2003	2002	2001	2000	1999	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*	15,102	13,487	12,762	10,919	10,759	10,672	U.S.	Circuit
	Terminations	14,082	12,862	12,340	10,583	11,130	10,123		
	Pending	9,634	8,589	7,904	7,512	7,102	7,475		
	% Change in Total Filings	Over Last Year		12.0				13	1
		Over Earlier Years		18.3	38.3	40.4	41.5	11	1
Number of Judgeships		19	19	19	19	18	18		
Vacant Judgeship Months**		.0	.0	14.0	21.5	5.0	10.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	794	709	672	575	598	593	5
		Civil	433	408	405	357	397	416	21
		Criminal Felony	295	254	220	218	201	177	4
		Supervised Release Hearings**	66	47	47	-	-	-	4
	Pending Cases		507	452	416	395	395	415	23
	Weighted Filings**		629	609	585	520	557	546	9
	Terminations		741	677	649	557	618	562	3
	Trials Completed		27	32	41	44	53	49	15
	From Filing to Disposition	Criminal Felony	4.5	4.6	4.8	4.5	4.4	4.5	3
		Civil**	6.8	7.2	7.1	9.0	9.5	7.5	8
		From Filing to Trial** (Civil Only)	19.5	20.8	18.9	18.5	18.3	18.5	20
OTHER	Civil Cases Over 3 Years Old**	Number	61	65	99	169	105	98	
		Percentage	1.1	1.2	1.9	3.4	2.0	1.7	10
	Average Number of Felony Defendants Filed Per Case		1.2	1.2	1.2	1.2	1.3	1.3	
	Jurors	Avg. Present for Jury Selection	55.44	49.36	47.25	46.68	44.41	38.79	
		Percent Not Selected or Challenged	42.7	40.8	41.7	41.8	44.7	38.7	

2004 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE													
Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	8233	170	954	1857	113	42	340	1013	2077	166	843	9	649
Criminal*	5599	3688	8	225	42	25	1329	**	16	146	18	14	88

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.

** See ["Explanation of Selected Terms."](#)